

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2330

IN THE MATTER OF:

Served April 9, 1982

Application of FREEWAY ENTERPRISES )  
for Temporary Authority to Conduct )  
Regular-Route Operations Between )  
Laurel, Md., and Washington, D. C. )

Case No. AP-82-04

By application filed March 30, 1982, Freeway Enterprises seeks temporary authority pursuant to Title II, Article XII, Section 4(d)(3) of the Compact to conduct regular-route operations between Laurel, Md., and Washington, D. C., as follows:

From the intersection of Maryland Routes 197 and 198 over Maryland Route 197 to the Baltimore Washington Parkway, then over the Baltimore Washington Parkway to New York Avenue, N. E., Washington, D. C., then over New York Avenue, N. E., to North Capitol Street, then over North Capitol Street to Indiana Avenue, N. W., then over Indiana Avenue, N. W., to 3rd Street, N. W., then over 3rd Street, N. W., to Independence Avenue, S. W., then over Independence Avenue, S. W., to 14th Street, S. W., then over 14th Street to Constitution Avenue, N. W., then over Constitution Avenue, N. W., to Virginia Avenue, N. W., then over Virginia Avenue, N. W., to 23rd Street, N. W., then over 23rd Street, N. W., to K Street, N. W., then over K Street, N. W., to 14th Street, and return over the same route.

Service would depart Laurel at 5:45, 6:15, 7:10 and 7:40 a.m., with return trips originating from Washington, D. C. at 3:45, 4:15, 5:30 and 6:10 p.m., Monday through Friday each week except for legal holidays. The proposed one-way fare is \$2.50 with a 10-trip commuter ticket priced at \$22.50. Although Freeway, a new company, does not own any equipment at this time, it has identified two vehicles that it proposes to purchase if the authority sought herein is granted. \*/

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\*/ A 38-passenger 1964 bus and a 41-passenger 1967 bus.

Freeway estimates that it will take approximately two weeks to complete the purchase, inspection and licensing of the vehicles.

In support of the application Freeway states that it conducted an investigation of the transportation available from Laurel to Washington, D. C., and found a need for additional commuter service. Freeway included with its application sixteen form letters of support signed by potential commuters and notarized. The letters generally state the affiants' support for service, allege that there is now inadequate transportation available as a result of the cessation of another private bus operator's service (as discussed below), and aver that the proposed service would be beneficial to local residents. Individual comments by affiants point up the lack of mass transportation service for the origin area.

Recently commuter service was being provided between Laurel and Washington, D. C., by U. S. Bus Lines, Inc., as part of a regular-route operation authorized by the Interstate Commerce Commission. Upon the abrupt cessation of service by U. S. Bus, Beltway Limousine Service, Inc., was directed to provide a point-to-point service between the Laurel town center and Farragut Square, Washington, D. C., pursuant to Title II, Article XII, Section 4(e) of the Compact. Subsequently, Beltway sought and was granted temporary authority for the same service.

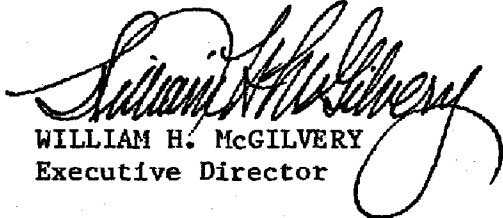
Title II, Article XII, Section 4(d)(3) of the Compact authorizes the Commission to grant temporary authority for up to 180 days without hearings or other proceedings, where there exists an immediate and urgent need for service which no existing carrier is capable of meeting. Inasmuch as Freeway seeks to provide service from a different Laurel origin than Beltway and proposes a route through various portions of Washington, D. C., and Beltway has elected not to oppose the application, it appears that no other carrier is capable of providing service within the meaning of Title II, Article XII, Section 4(d)(3) of the Compact. Clearly there is an immediate and urgent need for additional commuter service to alleviate the transportation problem for Laurel residents.

Accordingly, Freeway's application for authority will be granted and the carrier will be directed to provide evidence that its newly-purchased equipment has been inspected by a Compact signatory jurisdiction, and to file an appropriate certificate of insurance. Said certificate should name Freeway Enterprises (a partnership) and all general partners as insureds, and a copy of applicant's partnership agreement should also be filed. Freeway is also reminded that the grant of temporary authority cannot be extended beyond the statutory six-month period and that an application for a certificate of public convenience and necessity, if desired by Freeway, should be filed by July 6, 1982.

THEREFORE, IT IS ORDERED:

1. That the temporary authority sought in Case No. AP-82-04 of Freeway Enterprises is hereby granted.
2. That Freeway Enterprises file evidence of successful inspection of its operating equipment by a Compact signatory jurisdiction.
3. That Freeway Enterprises file two copies of WMATC Temporary Authority Tariff No. AP-28-04 setting forth the rates approved herein.
4. That a copy of applicant's partnership agreement be filed.
5. That a certificate of insurance in the form prescribed by Commission Regulation No. 62 naming the partnership and all general partners as insureds be filed by Freeway Enterprises.
6. That Freeway Enterprises comply with the provisions of Commission Regulation No. 68-03 and file an affidavit evidencing such compliance.
7. That Freeway Enterprises shall comply with the above requirements not later than Friday, April 23, 1982, or such other time as may be ordered.
8. That upon timely compliance by Freeway Enterprises, an order shall be issued establishing the effective term of temporary authority.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS CLEMENT, SCHIFTER AND SHANNON:

  
WILLIAM H. MCGILVERY  
Executive Director

